

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Francisco ARIAS et al.	Examiner:	Mathieu D. VARGOT
Serial No.: 10/727,124	Group Art Unit:	1732
Filing Date: December 3, 2003	Confirmation No:	4751
Title: METHOD OF MANUFACTURING MICRONEEDLE STRUCTURES USING SOFT LITHOGRAPHY AND PHOTOLITHOGRAPHY		

**RESPONSE TO REQUIREMENT FOR RESTRICTION
AND REQUEST FOR EXTENSION OF TIME**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Requirement for Restriction mailed October 7, 2008, for which a response was due November 7, 2008. A request for two months extension of time and fee therefor is submitted herewith. Therefore, the response is filed timely.

The Examiner requires restriction between two groups of claims:

- (I) claims 1-9, 11-17 and 22-25 directed to method of making a microneedle structure; and
- (II) claim 26, directed to an array of microneedles.

In response, applicants elect Group I, claims 1-9, 11-17 and 22-25, without traverse.

Further the Examiner has required election of a species from Group I, should a generic claim not be found allowable. The Examiner further states that no claims are generic.

Applicants respectfully traverse. All three species relate to patterning a resist as recited in steps (a) and (b) of independent claims 1, 9, 11 and 22-23, representative of species A, B and C respectively. While the end product is the resist itself in species A, the resists is used to fabricate a first molded product (species B) or a second molded product (species C). Applicants submit

that there should be no significant burden in searching all species and further, that claim 1 is a generic claim, and respectfully request withdrawal of this ground for restriction requirement based on species election. Applicants further note that claims 9 and 11 are unaltered from the originally filed claims and claim 1 has been subjected to only a clarifying amendment. No such restriction requirement was raised in the first restriction requirement issued in this case and in subsequent rounds of prosecution on the merits. *See* Office Action dated March 13, 2007.

In the event Applicants request is not granted, Applicants elect Species A, directed to a patterned resist being separated from the substrate to make the microneedle structure (claims 1-8), for prosecution on the merits.

Applicants expressly reserve their right under 35 USC § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application.

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, he is welcome to contact the undersigned attorney at (650) 251-7700.

Respectfully submitted,

By: /Shantanu Basu/
Shantanu Basu
Registration No. 43,318
c/o MINTZ LEVIN
5 Palo Alto Square - 6th Floor
3000 El Camino Real
Palo Alto, California 94306-2155
650-251-7700 telephone
650-251-7739 fax
www.mintz.com
Customer Number 23980